



March 22, 2001

ENGROSSED SENATE BILL No. 83

DIGEST OF SB 83 (Updated March 20, 2001 3:55 PM - DI 77)

Citations Affected: IC 31-9; IC 31-33.

Synopsis: Child care providers and child abuse registry. Defines "child care provider" for purposes of the child abuse registry as a person who provides child care regardless of whether the person is required to be licensed or registered. Allows a person, upon submitting a consent for release of information, to access certain information in the child abuse registry regarding: (1) a child care provider who is providing or may provide child care for the person's child; or (2) an individual at least 18 years of age who resides with the provider and who may have direct contact with children for whom the child care provider provides child care. (The introduced version of this bill was prepared by the board for the coordination of child care regulation.)

Effective: July 1, 2001.

Lawson C, Simpson, Breaux

(HOUSE SPONSORS — CRAWFORD, BUDAK)

January 8, 2001, read first time and referred to Committee on Health and Provider Services.

February 8, 2001, amended, reported favorably — Do Pass.

February 12, 2001, read second time, ordered engrossed. Engrossed.

February 19, 2001, read third time, passed. Yeas 48, nays 0.

HOUSE ACTION

February 26, 2001, read first time and referred to Committee on Public Health.

March 21, 2001, reported — Do Pass.

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ES 83—LS 6200/DI 98+



March 22, 2001

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

ENGROSSED SENATE BILL No. 83

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 31-9-2-16.5 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 2001]: **Sec. 16.5. "Child care provider", for purposes of**
- 4 **IC 31-33-17, has the meaning set forth in IC 31-33-17-0.5.**
- 5 SECTION 2. IC 31-33-17-0.5 IS ADDED TO THE INDIANA
- 6 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 7 [EFFECTIVE JULY 1, 2001]: **Sec. 0.5. As used in this chapter,**
- 8 **"child care provider" means a person who provides child care (as**
- 9 **defined in IC 12-7-2-28.2) regardless of whether the person is**
- 10 **required to be licensed or registered under IC 12-17.2-5.**
- 11 SECTION 3. IC 31-33-17-6 IS AMENDED TO READ AS
- 12 FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 6. Upon request, a**
- 13 **person or an organization may have access to information contained in**
- 14 **the registry as follows:**
- 15 (1) A law enforcement agency or local child protective service
- 16 may have access to a substantiated report.
- 17 (2) A person may have access to information consisting of an

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identifiable notation of a conviction arising out of a report of child abuse or neglect.

(3) Upon submitting written verification of an application for employment **or a consent for release of information signed by a child care provider**, a person or an agency may obtain the following information contained in the child abuse registry regarding an individual who has applied for employment or volunteered for services in a capacity that would place the individual in a position of trust with children less than eighteen (18) years of age **or regarding a child care provider who is providing or may provide child care for the person's child:**

(A) Whether a child was found by a court to be a child in need of services based on a report of child abuse or neglect naming the ~~individual~~ **applicant, volunteer, or child care provider** as the alleged perpetrator.

(B) Whether criminal charges were filed against the ~~individual~~ **applicant, volunteer, or child care provider** based on a report of child abuse or neglect naming the ~~individual~~ **applicant, volunteer, or child care provider** as the alleged perpetrator.

(C) **Whether a court has issued an arrest warrant for the applicant, volunteer, or child care provider based on a report of child abuse or neglect in which the applicant, volunteer, or child care provider is named as the alleged perpetrator.**

(4) A person may have access to whatever information is contained in the registry pertaining to the person, with protection for the identity of:

(A) the person who reports the alleged child abuse or neglect; and

(B) any other appropriate person.

(5) A person or an agency to whom child abuse and neglect reports are available under IC 31-33-18 may also have access to information contained in the registry.

(6) If a child care provider provides child care in the provider's home, upon submitting a consent for release of information signed by an individual who is at least eighteen (18) years of age, who resides with the child care provider, and who may have direct contact with children for whom the provider provides child care, a person may obtain the following information contained in the child abuse registry regarding the individual:



- 1 (A) Whether a child was found by a court to be a child in
- 2 need of services based on a report of child abuse or neglect
- 3 naming the individual as the alleged perpetrator.
- 4 (B) Whether criminal charges were filed against the
- 5 individual based on a report of child abuse or neglect
- 6 naming the individual as the alleged perpetrator.
- 7 (C) Whether a court has issued an arrest warrant for the
- 8 individual based on a report of child abuse or neglect in
- 9 which the individual is named as the alleged perpetrator.

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SENATE MOTION

Mr. President: I move that Senator Simpson be added as coauthor of Senate Bill 83.

LAWSON C

SENATE MOTION

Mr. President: I move that Senator Breaux be added as coauthor of Senate Bill 83.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 83, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 21, after "Whether" insert "**a court has issued an arrest warrant for**".

Page 2, line 22, delete "has been arrested".

Page 2, line 37, delete "and" and insert ",".

Page 2, line 37, after "provider," insert "**and who may have direct contact with children for whom the provider provides child care,**".

Page 3, line 4, after "Whether" insert "**a court has issued an arrest warrant for**".

Page 3, line 4, delete "has been arrested".

and when so amended that said bill do pass.

(Reference is to SB 83 as introduced.)

MILLER, Chairperson

Committee Vote: Yeas 9, Nays 0.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Senate Bill 83, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

BROWN C, Chair

Committee Vote: yeas 13, nays 0.

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